

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CLINTON LEE HALBERT,  
  
Petitioner,  
  
vs.  
  
UNITED STATES,  
  
Respondent.

NO. CR-09-0172-LRS-1

ORDER GRANTING MOTION FOR  
RECONSIDERATION AND REFERRING TO  
MAGISTRATE JUDGE FOR APPOINTMENT  
OF COUNSEL

BEFORE THE COURT is Defendant's Request for Reconsideration and Order to John Nollette to Turn Over My Files, ECF No. 378, filed on May 17, 2013 and noted without oral argument on June 17, 2013.

Defendant Halbert again requests the appointment of counsel for his petition for post conviction relief. Defendant states his circumstances are exceptional due to his wife's health and the complexity that exists between federal and state law for medical use of marijuana. Defendant also provided a letter from his wife's medical providers. The Court finds that based on the information provided by Mr. Halbert in support of his motion for reconsideration, exceptional circumstances have been shown.

Accordingly,

**IT IS ORDERED:**

1. Defendant's motion for reconsideration of his motion for

1 appointment of counsel, **ECF No. 378**, is **GRANTED**.

2 2. This matter is **REFERRED** to Magistrate Judge Hutton for a  
3 determination of Defendant's representation.

4 **IT IS SO ORDERED.** The District Court Executive is directed to  
5 enter this Order and forward a copy to pro se Petitioner and to  
6 counsel of record.

7 **DATED** this 19<sup>th</sup> day of June, 2013.

8  
9 ***s/Lonny R. Suko***

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LONNY R. SUKO  
11 UNITED STATES DISTRICT JUDGE  
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